

Panaji, 12th August, 1976 (Sravana) 21, 1898)

SERIES I No. 20

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Confidential and Vigilance Department

Notification

5-3-74-CVD

In exercise of the powers conferred on him in the schedule (Part III, Sr. No. XV(iii)) to the Central Civil Services (Classification, Control and Appeal) Rules, 1965 as approved by the Govt. of India, Cabi-

net Secretariat, Department of Personnel, New Delhi, the Administrator of the Union Territory of Goa, Daman and Diu hereby makes the amendment as indicated below and substitute the following entries in the place of the existing entries against Serial No. 20 and 27 of the schedule appended to Notification No. GAD-EST-9364(2) dated 30-3-1966, published in the Govt. Gazette No. 2, Series I, dated 14-4-1966 and Notification No. SPL-EST-9364(2), dated 16-2-1970, regarding appointing, disciplinary and appellate authority under the said Rules for Class III and Class IV posts (now grade 'C' and grade 'D') in the Administration of the Union Territory of Goa, Daman and Diu.

Sr. No.	Description of service	Appointing authority	Authority competent to impose penalties which it may impose (with reference to numbers in Rule 11)		Appellate authority
			Authority	Penalties	
1	2	3	4	5	6
20.	Office of the Chief Town Planner	Chief Town Planner	Chief Town Planner.	All	Secretary (Revenue).
27.	Public Works Department	Chief Engineer	Chief Engineer	All	Secretary (Planning)-cum-Development Commissioner.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Deputy Secretary (Appointments).

Panaji, 4th August, 1976.

Law and Judiciary Department

Notification

LD/1895/76

The following Central Bill which was recently passed by the Parliament and assented to by the President of India on 11-2-76 and published in the Gazette of India Part II, Section 1 dated 12-2-76 is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 11th May, 1976.

The Motor Vehicles (Amendment) Act, 1976

AN
ACT

to amend the Motor Vehicles Act, 1939.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Motor Vehicles (Amendment) Act, 1976.

(2) It shall be deemed to have come into force on the 26th day of September, 1975.

2. *Amendment of section 63.*—In section 63 of the Motor Vehicles Act, 1939 4 of 1939

(hereinafter referred to as the principal Act), after sub-section (10), the following sub-sections shall be inserted, namely:—

“(11) Notwithstanding anything contained in sub-section (1), but, subject to the rules that may be made by the Central Government under sub-section (15), the appropriate authority may, for the purpose of encouraging long distance inter-State road transport, grant to the public carriers in a State such number of national permits as the Central Government may specify in this behalf in relation to that State and the provisions of sections 54, 55, 56, 57, 58, 59, 59A, 60, 61 and 64 shall, as far as may be, apply to or in relation to the grant of national permits:

Provided that the number of national permits specified for a State shall not be varied or modified except after consultation with the concerned State Government.

Explanation.— In this section —

(a) “national permit” means a permit granted by the appropriate authority to a public carrier authorising him to operate as a public carrier throughout the territory of India or in such contiguous States, not being less than five in number (including the State in which the permit is issued), as may be specified in such permit in accordance with the choice indicated by the public carrier to whom such permit is granted;

(b) “appropriate authority” in relation to a national permit means the authority which is authorised by this Act to grant a public carrier’s permit.

(12) Without prejudice to the provisions of sub-section (1) of section 55, the appropriate authority shall, in considering an application for a national permit, also have regard to the following matters, namely:—

(a) no national permit shall be issued —

(i) to an individual owner if he already holds in his own name three or more valid national permits, or, when he holds valid national permits as well as valid inter-State region permits, if the aggregate number of such permits is three or more;

(ii) to a company which already holds in its own name seven or more valid national permits, or, when it holds valid national permits as well as valid inter-State region permits, if the aggregate number of such permits is seven or more;

(b) other conditions being equal, preference shall be given to applicants who are ex-army personnel, or who have valid licences for driving transport vehicles.

Explanation.— In this sub-section “company” includes a body corporate.

(3) If, as a result of the acquisition of one or more inter-State region permits by an individual owner or a company after one or more national permits have been granted to him or it, the aggregate number of the permits held by such individual or company exceeds, in the case of the individual, three, or, in the case of a company, seven, the

appropriate authority shall, notwithstanding anything contained in section 60 cancel such number of national permits as would bring down the aggregate number of national permit and inter-State region permit held by such individual, to three, or, in the case of a company, to seven:

Provided that before cancelling any national permit, the appropriate authority shall give to the individual owner or the company, as the case may be, an option to indicate which of the national permits held by him or it should be so cancelled.

(14) Nothing contained in sub-section (12) and (13) shall apply to a State Transport Undertaking.

(15) (a) The Central Government may make rules for carrying out the provisions of sub-section (11).

(b) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(i) the authorisation fee payable for the issue of a national permit;

(ii) the fixation of the laden weight of the motor vehicle;

(iii) the distinguishing particulars or marks to be carried or exhibited in or on the motor vehicle;

(iv) the colour or colours in which the motor vehicle is to be painted;

(v) any matter, not specified in this Act, which shall be borne in mind by the appropriate authority in granting of national permit.

Explanation.— In this sub-section “authorisation fee” means the annual fee, not exceeding seven hundred rupees, which may be charged by the appropriate authority of a State to enable a motor vehicle, covered by the national permit, to be used in other States.’

3. *Amendment of section 133.*— In section 133 of the principal Act,—

(a) in sub-section (3), the words “by the Central Government or”, the words “Parliament or”, in both the places where they occur, and the words “as the case may be”, shall be omitted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

4. *Repeal and saving.* — (1) The Motor Vehicles (Amendment) Ordinance, 1975 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

Notification

LD/26/76

The following Central Bill which was recently passed by the Parliament and assented to by the President of India on 9-2-76 and published in the Gazette of India Part II, Section 1 dated 9-2-76 is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 11th May, 1976.

The Regional Rural Banks Act, 1976

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THE SCHEDULE.

The Regional Rural Banks Act, 1976

AN

ACT

to provide for the incorporation, regulation and winding up of Regional Rural Banks with a view to developing the rural economy by providing, for the purpose of development of agriculture, trade, commerce, industry and other productive activities in the rural areas, credit and other facilities, particularly to the small and marginal farmers, agricultural labourers, artisans and small entrepreneurs, and for matters connected therewith and incidental thereto.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.* — (1) This Act may be called the Regional Rural Banks Act, 1976.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 26th day of September, 1975.

2. *Definitions.* — In this Act, unless the context otherwise requires, —

(a) "Board" in relation to a Regional Rural Bank, means the Board of directors of that Regional Rural Bank;

(b) "Chairman", in relation to a Regional Rural Bank, means the individual appointed or re-appointed under sub-section (1) of section 11 as the Chairman of that bank;

(c) "director", in relation to a Regional Rural Bank, means a member of the Board of that bank;

(d) "notified area" means the local limits, specified under sub-section (1) of section 3, within which a Regional Rural Bank shall operate;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "Regional Rural Bank" means a Regional Rural Bank established under sub-section (1) of section 3;

(g) "Sponsor Bank", in relation to a Regional Rural Bank, means a bank by which such Regional Rural Bank has been sponsored;

(h) "State Government" means, —

(i) in relation to a Regional Rural Bank established in a Union territory, the Central Government;

(ii) in relation to a Regional Rural Bank established in a State, the Government of that State;

(i) words and expressions used herein and not defined but defined in the Reserve Bank of India Act, 1934, shall have the meanings respectively assigned to them in that Act; 2 of 1934.

(j) words and expressions used herein and not defined either in this Act or in the Reserve Bank of India Act, 1934, but defined in the Banking Regulation Act, 1949, shall have the meanings respectively assigned to them in the Banking Regulation Act, 1949. 2 of 1934. 10 of 1949.

CHAPTER III

Incorporation and capital of Regional Rural Banks

3. *Establishment and incorporation of Regional Rural Banks.* — (1) The Central Government may, if requested so to do by a Sponsor Bank, by notification in the Official Gazette, establish in a State or Union territory, one or more Regional Rural Banks with such name as may be specified in the notification and may, by the said or subsequent notification, specify the local limits within which each Regional Rural Bank shall operate.

(2) Every Regional Rural Bank shall be a body corporate with perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract and may sue and be sued in its name.

(3) It shall be the duty of the Sponsor Bank to aid and assist the Regional Rural Bank, sponsored by it, by subscribing to the share capital of such Regional Rural Bank, recruitment and training of personnel during the first five years of the functioning of the Regional Rural Bank and providing such managerial and financial assistance as may be mutually agreed upon between the Sponsor Bank and the Regional Rural Bank.

4. *Office and agencies.* — (1) A Regional Bank shall have its head office at such place in the notified area as the Central Government may, after consultation with the Reserve Bank and the Sponsor Bank, specify by notification in the Official Gazette.

(2) A Regional Rural Bank may, if it is of opinion that it is necessary so to do, establish its branches or agencies at any place in the notified area.

5. *Authorised capital.* — The authorised capital of each Regional Rural Bank shall be one crore of rupees, divided into one lakh of fully paid-up shares of one hundred rupees each:

Provided that the Central Government may, after consultation with the Reserve Bank and the Sponsor Bank, increase or reduce such authorised capital; so, however, that the authorised capital shall not be re-

duced below twenty-five lakhs of rupees, and the shares shall be in all cases, fully paid-up shares of one hundred rupees each.

6. *Issued capital.* — (1) The issued capital of each Regional Rural Bank shall be twenty-five lakhs of rupees.

(2) Of the capital issued by a Regional Rural Bank under sub-section (1), fifty per cent, shall be subscribed by the Central Government; fifteen per cent. by the concerned State Government and thirty-five per cent. by the Sponsor Bank.

(3) The Board may, after consultation with the Reserve Bank, the concerned State, Government and the Sponsor Bank and with the prior approval of the Central Government, from time to time, increase the issued capital of the Regional Rural Bank; and, where additional capital is issued, such capital shall also be subscribed in the same proportion as is specified in sub-section (2).

7. *Shares to be approved securities.* — Notwithstanding anything contained in the Acts hereinafter mentioned in this section, the shares of a Regional Rural Bank shall be to be deemed to be included among the securities enumerated in section 20 of the Indian Trusts Act, 1882, and shall also be deemed to be approved securities for the purposes of the Banking Regulation Act, 1949. 2 of 1882. 10 of 1949.

CHAPTER III

Management

8. *Management.* — (1) Subject to the provisions of this Act, the general superintendence, direction and management of the affairs and business of a Regional Rural Bank shall vest in a Board of directors who may exercise all the powers and discharge all the functions which may be exercised or discharged by the Regional Rural Bank.

(2) In discharging its functions, the Board shall act on business principles and shall have due regard to public interest.

9. *Board of directors.* — (1) The Board of directors shall consist of the Chairman appointed under sub-section (1) of section 11, and the following other members, namely: —

(a) not more than three directors, to be nominated by the Central Government;

(b) not more than two directors, to be nominated by the concerned State Government; and

(c) not more than three directors, to be nominated by the Sponsor Bank.

(2) The Central Government may increase the number of members of the Board; so, however, that the number of directors does not exceed fifteen in the aggregate and also prescribe the manner in which the additional number may be filled in.

10. *Term of office of directors.* — A director (other than the Chairman) shall hold office for such period not exceeding two years, from the date when he assumes office, as the authority nominating him may specify at the time when the nomination is made, and may, on the expiry of the said period, continue to

hold office until his successor has been nominated and shall also be eligible for re-nomination.

11. *Chairman.* — (1) The Central Government shall appoint an individual to be the Chairman of a Regional Rural Bank and specify the period, not exceeding five years, for which such individual shall, subject to the provisions of sub-section (4), hold office as the Chairman.

(2) The individual, appointed as a Chairman under sub-section (1), shall, on the expiry of the period specified under that sub-section, be eligible for re-appointment.

(3) The Chairman shall devote his whole time to the affairs of the Regional Rural Bank and shall have, subject to the superintendence, control and direction of the Board, the management of the whole of the affairs of the Regional Rural Bank.

(4) The Chairman shall hold office during the pleasure of the Central Government.

(5) The Chairman shall receive such salary and allowances and be governed by such terms and conditions of service as may be determined by the Central Government.

(6) If the Chairman is, by infirmity or otherwise, rendered incapable of carrying out his duties or is absent, on leave or otherwise, in circumstances not involving the vacation of office, the Central Government may appoint another individual to act as the Chairman during the absence of the first-mentioned Chairman.

12. *Disqualifications.* — A person shall be disqualified for being appointed or, as the case may be, nominated as, and for being, a director, if he —

(a) is, or, at any time has been, adjudged insolvent or has suspended payment of his debt or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is, or has been, convicted of an offence which, in the opinion of the Central Government, involves moral turpitude.

13. *Vacation of the seat of directors.* — (1) If a director —

(a) becomes subject to any disqualification specified in section 12, or

(b) is absent without leave of the Board for more than three consecutive meetings thereof, his seat shall thereupon become vacant.

(2) The Chairman may resign his office by giving notice thereof in writing to the Central Government and a director may resign his office by giving notice thereof to the authority by which he was nominated; and, on such resignation being accepted, the Chairman or the director, as the case may be, shall be deemed to have vacated his office.

14. *Meetings of Board.* — (1) The Board of directors of a Regional Rural Bank shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

(2) The Chairman of the Regional Rural Bank shall preside over every meeting of the Board, and, in his absence, such director as the Chairman may generally, or in relation to any particular meeting, authorise in this behalf shall preside; and, in the absence of both the Chairman and the director so authorised, the directors present at the meeting shall elect one from among themselves to preside over the meeting.

Explanation. — For the purposes of this sub-section, "absence" from a meeting means non-attendance for any reason whatsoever at the meeting, or any part of the meeting during which any business is transacted.

(3) All questions at a meeting of the Board shall be decided by a majority of the votes of the directors present and voting; and, in case of equality of votes, the person presiding shall have a second or casting vote.

(4) No director shall, as a director, take part in the discussion of, or vote on, any contract, loan, arrangement or proposal, entered into or to be entered into, by or on behalf of the Regional Rural Bank, if he is, in any way, whether directly or indirectly, interested in the contract, loan, arrangement or proposal and, where a director is interested in any such matter, he shall, at the earliest possible opportunity, disclose to the Board the nature of his interest in such contract, loan, arrangement or proposal, and where he does so, his presence at the meeting shall not count for the purpose of forming any quorum at the time of any such discussion or vote, and if he does vote, his vote shall be void:

Provided that nothing contained in this sub-section shall apply to such director by reason only of his being —

(i) a shareholder (other than a director) holding not more than two per cent. of the paid-up capital in any public company within the meaning of the Companies Act, 1956, or any corporation established by or under any law for the time being in force in India or any co-operative society, with which the Regional Rural Bank has entered into, or proposes to enter into, any contract, loan, arrangement or proposal; or

(ii) a director of the Regional Rural Bank as such.

15. *Committees of Board.* — The Board may constitute such committees, whether consisting wholly of directors or wholly of other persons or partly of directors and partly of other persons, as it may think fit, for such purposes as it may decide.

16. *Fees and allowances of directors and members of committees.* — (1) Every director and every member of a committee (other than the Chairman) shall be paid such fees and allowances as may be determined by the Central Government:

Provided that no fees shall be paid to any director, or member of a committee, if he is an officer of the Central Government, State Government, the Reserve Bank, Sponsor Bank or any other bank.

(2) The allowances payable to a director or a member of a committee, who is an officer of the Central

Government, State Government, Reserve Bank, Sponsor Bank or any other bank, shall be paid by the Government or bank by which such officer is employed; and the allowances and fees payable to any other director or member of a committee shall be payable by the concerned Regional Rural Bank.

17. Staff of Regional Rural Banks.— (1) A Regional Rural Bank may appoint such number of officers and other employees as it may consider necessary or desirable for the efficient performance of its functions and may determine the terms and conditions of their appointment and service:

Provided that, it shall be lawful for a Sponsor Bank, if requested so to do by a Regional Rural Bank sponsored by it, to send, during the first five years of the functioning of a Regional Rural Bank, such number of officers or other employees on deputation to the Regional Rural Bank as may be necessary or desirable for the efficient performance of its functions:

Provided further that the remuneration of officers and other employees appointed by a Regional Rural Bank shall be such as may be determined by the Central Government, and, in determining such remuneration, the Central Government shall have due regard to the salary structure of the employees of the State Government and the local authorities of comparable level and status in the notified area.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947, or any other law for the time being in force, no award, judgment, decree, decision or order of any industrial tribunal, court or other authority, made before the commencement of this Act, shall apply to the terms and conditions in relation to the persons appointed by a Regional Rural Bank. 14 of 1947.

(3) The officers and other employees of a Regional Rural Bank shall exercise such powers and perform such duties as may be entrusted or delegated to them by the Board.

CHAPTER IV

Business of a Regional Rural Bank

18. Business which a Regional Rural Bank may transact.— (1) Every Regional Rural Bank shall carry on and transact the business of banking as defined in clause (b) of section 5 of the Banking Regulation Act, 1949, and may engage in one or more forms of business specified in sub-section (1) of section 6 of that Act. 10 of 1949.

(2) Without prejudice to the generality of the provisions of sub-section (1), every Regional Rural Bank may, in particular, undertake the following types of business, namely:—

(a) the granting of loans and advances, particularly to small and marginal farmers and agricultural labourers, whether individually or in groups, and to co-operative societies, including agricultural marketing societies, agricultural processing societies, co-operative farming societies, primary agricultural credit societies or farmers' service societies, for agricultural purposes or agri-

cultural operations or for other purposes connected therewith;

(b) the granting of loans and advances, particularly to artisans, small entrepreneurs and persons of small means engaged in trade, commerce or industry or other productive activities, within the notified area in relation to the Regional Rural Bank.

CHAPTER V

Accounts and audit

19. Closure of accounts.— (1) Every Regional Rural Bank shall cause its books to be closed and balanced as on the 31st day of December of each year and shall appoint with the approval of the Central Government auditors for the audit of its accounts.

(2) Every auditor of a Regional Rural Bank shall be a person who is qualified to act as an auditor of a company under section 226 of the Companies Act, 1956, 1 of 1956, and shall receive such remuneration as the Regional Rural Bank may fix with the approval of the Central Government.

(3) Every auditor shall be supplied with a copy of the annual balance-sheet and profit and loss account of the Regional Rural Bank, and a list of all books kept by the Regional Rural Bank, and it shall be the duty of the auditor to examine the balance-sheet and vouchers relating thereto, and, in the performance of his duties, the auditor—

(a) shall have, at all reasonable times, access to the books, accounts and other documents of the Regional Rural Bank;

(b) may, as the expense of the Regional Rural Bank, employ accountants or other persons to assist him in investigating such accounts; and

(c) may, in relation to such accounts, examine the Chairman or any officer or employee of the Regional Rural Bank.

(4) Every auditor of a Regional Rural Bank shall make a report to that bank upon the annual balance-sheet and accounts and in every such report shall state,—

(a) whether, in his opinion, the balance-sheet is a full and fair balance-sheet containing all necessary particulars and is properly drawn up so as to exhibit a true and fair view of the affairs of the Regional Rural Bank, and, in case he had called for any explanation or information, whether it has been given and whether it is satisfactory;

(b) whether or not, the transactions of the Regional Rural Bank, which have come to his notice, have been within the powers of that bank;

(c) whether or not, the returns received from the offices and branches of the Regional Rural Bank have been found adequate for the purpose of his audit;

(d) whether the profit and loss account shows a true balance of profit or loss for the period covered by such accounts; and

(e) any other matter which he considers should be brought to the notice of the Regional Rural Bank.

20. *Annual report to be furnished to the share-holders.* — Every Regional Rural Bank shall, within sixty days from the date of closure of its accounting year, send to each of its share-holders a report as to its working and activities during the accounting year immediately preceding together with a copy of its balance-sheet, profit and loss account and the auditor's report in relation to the accounts of the said accounting year.

21. *Disposal of profits.* — After making provisions for bad and doubtful debts, depreciation in assets, contributions to staff and superannuation funds and all other matters for which provision is, under law, necessary or which are usually provided for by banking companies, a Regional Rural Bank may, out of its net profits, declare a dividend.

22. *Regional Rural Bank to be deemed to be a co-operative society for purpose of the Income-tax Act, 1961.* — For the purpose of the Income-tax Act, 1961, or any other enactment for the time being in force relating to any tax on income, profits or gains, a Regional Rural Bank shall be deemed to be a co-operative society. 43 of 1961.

23. *Interest-tax not payable.* — Notwithstanding anything contained in the Interest-tax Act, 1974, no Regional Rural Bank shall be liable to pay any tax under that Act. 45 of 1974.

CHAPTER VI

Miscellaneous

24. *Power of Central Government to give directions.* — (1) A Regional Rural Bank shall, in the discharge of its functions, be guided by such directions in regard to matters of policy involving public interest as the Central Government may, after consultation with the Reserve Bank, give.

(2) If any question arises as to whether any such direction relates to a matter of policy involving public interest, the decision of the Central Government thereon shall be final.

25. *Obligations as to fidelity and secrecy.* — (1) A Regional Rural Bank shall observe, except as otherwise required by law, the practices and usages customary among bankers and, in particular, it shall not divulge any information relating to, or to the affairs of, its constituents except in circumstances in which it is, in accordance with the law or practice and usage customary among bankers, necessary or appropriate for the Regional Rural Bank to divulge.

(2) Every director, member of a committee or auditor, officer or other employee of a Regional Rural Bank shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in the Schedule to this Act.

26. *Bar to liquidation of Regional Rural Bank.* — No provision of law relating to the winding up of companies shall apply to a Regional Rural Bank and a Regional Rural Bank shall not be placed in liquidation save by order of the Central Government and in such manner as it may direct.

27. *Defects in appointment or constitution not to invalidate acts or proceedings.* — (1) No act of a

Chairman, acting in good faith, shall be invalid merely by reason of any defect in his appointment or in the procedure.

(2) No act or proceeding of any Board of directors or of any committee of a Regional Rural Bank shall be invalid merely on the ground of the existence of any vacancy in, or defect in the constitution of, such Board or committee, as the case may be.

(3) Acts done by a person, acting in good faith, as a director or member of a committee of a Regional Rural Bank shall be valid, notwithstanding that it may afterwards be discovered that his appointment was invalid by reason of any defect or disqualification or had terminated by virtue of any provision contained in any law for the time being in force:

Provided that nothing in this section shall be deemed to give validity to any act done by a director or a member of any committee of a Regional Rural Bank after his appointment has been shown to the Regional Rural Bank to be invalid or to have terminated.

28. *Indemnity of directors, etc.* — (1) A director or a member of a committee of a Regional Rural Bank shall not be responsible for any loss or expense caused to such bank by insufficiency or deficiency of the value of, or title to, any property or security acquired or taken on behalf of a Regional Rural Bank or by the insolvency or wrongful act of any customer or debtor or anything done in, or in relation to, the execution of the duties of his office, unless such loss, expense, insufficiency or deficiency was due to any wilful act or default on the part of such director or member.

(2) The Chairman of a Regional Rural Bank and every officer of the Central Government or State Government or an officer of the Reserve Bank or the Sponsor Bank and every officer or other employee of a Regional Rural Bank shall be indemnified by such bank against all losses and expenses incurred by him in, or in relation to, the discharge of his duties except such as have been caused by his own wilful act or default.

29. *Power to make rules.* — (1) The Central Government may, after consultation with the Reserve Bank and the Sponsor Bank, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

(a) the manner in which the additional number of members of the Board may be filled in, under sub-section (2) of section 9;

(b) the time and place at which the Board of directors of a Regional Rural Bank shall meet and the rules of procedure which shall be observed by the Board in regard to the transaction of business at its meetings, under sub-section (1) of section 14;

(c) any other matter which is required to be or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it

is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

30. *Power to make regulations.*—The Board of directors of a Regional Rural Bank may, after consultation with the Sponsor Bank and the Reserve Bank, and with the previous sanction of the Central Government, make regulations, not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

31. *Removal of difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of five years from the commencement of this Act.

32. *Act to override the provisions of other laws.*—The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, express or implied, or in any instrument having effect by virtue of any law other than this Act, and notwithstanding any custom or usage to the contrary.

CHAPTER VII

Amendment of certain enactments

33. *Amendment of certain enactments.*

—(1) In the Reserve Bank of India Act, 1934,—

2 of 1934.

(a) in section 2,—

(i) after clause (civ), the following clause shall be inserted, namely:—

“(cv) “Regional Rural Bank” means a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976;”

(ii) after clause (e), the following clause shall be inserted, namely:—

“(ea) “Sponsor Bank” means a Sponsor Bank as defined in the Regional Rural Banks Act, 1976;”

(iii) the existing clause (ei) shall be re-lettered as clause (eb);

(b) in section 45H, for the words “a co-operative bank”, the words “a Regional Rural Bank or a co-operative bank” shall be substituted;

(c) in section 46A, in sub-section (2), in clause (b),—

(i) after the words “State co-operative banks”, the words “or Regional Rural Banks” shall be inserted;

(ii) for the proviso, the following proviso shall be substituted, namely:—

“Provided that such loans and advances are fully guaranteed as to the repayment of principal and payment of interest,—

(i) in the case of loans and advances to State co-operative banks, by the State Government; and

(ii) in the case of loans and advances to a Regional Rural Bank, by the Sponsor Bank.”;

(d) in section 46B, in sub-section (2),—

(i) after the words “State co-operative banks”, the words “or Regional Rural Banks” shall be inserted;

(ii) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that no such loans or advances shall be made—

(a) except for the purpose of enabling the Regional Rural Banks to pay any dues in respect of bills of exchange and promissory notes purchased or re-discounted by the Bank or loans and advances made to them by the Bank under section 17 and unless, in the opinion of the Bank, the Regional Rural Banks are unable to pay such dues in time owing to drought, famine or other natural calamities, and

(b) unless such loans and advances are fully guaranteed as to re-payment of the principal and payment of interest by the Sponsor Bank.”

(2) In the Industrial Disputes Act, 1947, in section 2, in clause (a), in sub-clause (i), after the words and figures “Food Corporation Act, 1964, or”, the words and figures “a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, or” shall be inserted. 14 of 1947.

(3) In the Banking Regulation Act, 1949,— 10 of 1949.

(a) in section 24, after sub-section (2A), the following sub-section shall be inserted, namely:—

“(2B) The Reserve Bank may, by notification in the Official Gazette, vary the percentage referred to in sub-section (2A) in respect of a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976.”;

(b) in section 34A, in sub-section (3), for the words “and any subsidiary bank”, the words and figures “a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, and any subsidiary bank” shall be substituted;

(c) in section 36AD, in sub-section (3), for the words “and any subsidiary bank”, the words and figures “a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, and any subsidiary bank” shall be substituted;

(d) in section 51, for the words “or any other banking institution notified by the Central Government in this behalf”, the words and figures “or a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, or

any other banking institution notified by the Central Government in this behalf" shall be substituted.

(4) In the Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949, in section 2, in clause (a), for the words "and any subsidiary bank", the words and figures "a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976, and any subsidiary bank" shall be substituted. 46 of 1949.

(5) In the Deposit Insurance Corporation Act, 1961, — 47 of 1961.

(a) in section 2, —

(i) in clause (g), —

(a) for the words "a banking company", the words "a Regional Rural Bank or a banking company" shall be substituted;

(b) for the words "with a banking company", the words "with a Regional Rural Bank or with a banking company" shall be substituted;

(iii) in clause (i), after the words "banking company", the words "or a Regional Rural Bank" shall be inserted;

(iii) after clause (m), the following clause shall be inserted, namely: —

"(ma) "Regional Rural Bank" means a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976;"

(b) after section 11, the following section shall be inserted, namely: —

Registration of Regional Rural Banks. — "11A. The Corporation shall register every Regional Rural Bank before the expiry of thirty days from the date of its establishment.";

(c) in section 13, after sub-section (2), the following sub-section shall be inserted, namely: —

"(3) The provisions of clauses (a), (b), (c), (d) and (h) of sub-section (1) shall apply to a Regional Rural Bank as they apply to a banking company.";

(d) in sub-section (1) of section 14, for the words "banking company", wherever they occur, the words "banking company, Regional Rural Bank" shall be substituted.

34. *Repeal and savings.* — (1) The Regional Rural Banks Ordinance, 1975, is hereby repealed. 43 of 1975.

(2) Notwithstanding such repeal anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

[See section 25(2)]

I,, do hereby declare that I will faithfully, truly and to the best of my skill and ability execute and perform the duties required of me as a director, member of a committee, officer, employee or auditor (as the case may be) of the Regional Rural Bank and which properly relate to any office or position in the said Bank held by me.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the Regional Rural Bank or to the affairs of any person having any dealings with the Regional Rural Bank, nor will I allow any such person to inspect or have access to, any books or documents belonging to, or in the possession of the Regional Rural Bank and relating to the business of the Regional Rural Bank, or to the business of any person having any dealings with the Regional Rural Bank.

Signed before me.

Signature.

Dated

Notification

LD/3298/75

The following Central Bill The Workmen's Compensation (Amendment) Bill, 1976 which was recently passed by the Parliament and assented to by the President of India on 21st May 1976 and published in the Gazette of India Part II, Section I dated 22/5/1976 is hereby republished for general information of the public.

B. S. Subbanna, Draftsman.

Panaji, 20th July, 1976.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 22nd May, 1976/Jyaistha 1, 1898 (Saka)

The following Act of Parliament received the assent of the President on the 21st May, 1976, and is hereby published for general information: —

The Workmen's Compensation (Amendment) Act, 1976

No. 65 of 1976

[21st May, 1976]

An Act further to amend the Workmen's Compensation Act, 1923.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Workmen's Compensation (Amendment) Act, 1976.

(2) Sections 2 and 4 shall be deemed to have come into force on the 1st day of October, 1975 and the remaining provisions shall come into force at once.

2. *Amendment of section 2.* — In section 2 of the Workmen's Compensation Act, 1923 (hereinafter referred to as the principal Act), in sub-section (1), in sub-clause (ii) of clause (n), for the words "five hundred rupees", the words "one thousand rupees" shall be substituted. 8 of 1923.

3. *Amendment of section 36.* — In section 36 of the principal Act, for the words "two successive

sessions, and if before the expiry of the session in which it is so laid or the session immediately following", the words "two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

4. *Substitution of new Schedule for Schedule IV.* — For Schedule IV to the principal Act, the following Schedule shall be substituted, namely: —

«SCHEDULE IV

(See section 4)

Compensation payable in certain cases

Monthly wages of the workman injured	Amount of compensa- tion for —		Half-monthly payment as compensation for temporary disablement	
	Death	Permanent total disa- blement		
1	2	3	4	
More than	But not more than			
Rs.	Rs.	Rs.	Rs. P.	
0	60	7,200	10,080	
			Half his monthly wages	
60	90	9,720	14,608	36.00
90	120	11,520	16,128	42.00
120	150	13,500	18,900	48.75
150	200	16,800	23,520	60.00
200	300	18,000	25,200	82.50
300	400	19,200	26,880	100.00
400	500	21,000	29,400	118.75
500	600	21,600	30,240	135.00
600	700	23,100	32,340	148.75
700	800	24,000	33,600	160.00
800	900	27,000	37,800	168.75
900	1000	30,000	42,000	175.00».

K. K. SUNDARAM,
Secy. to the Govt. of India.

Notification

LD/3245/76

The following Central Bill the Maternity Benefit (Amendment) Bill, 1976 which was recently passed by the Parliament and assented to by the President of India on 3rd April 1976 and published in the Gazette of India Part II, Section I dated 3-4-1976 is hereby republished for general information of the public.

B. S. Subbanna, Draftsman.

Panaji, 20th July, 1976.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 3rd April, 1976/Chaitra 14,
1898 (Saka)

The following Act of Parliament received the assent of the President on the 3rd April, 1976, and is hereby published for general information: —

The Maternity Benefit (Amendment) Act, 1976

No. 53 of 1976

[3rd April, 1976]

An Act further to amend the Maternity Benefit Act, 1961.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Maternity Benefit (Amendment) Act, 1976.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.* — In section 2 of the Maternity Benefit Act, 1961 53 of 1961. (hereinafter referred to as the principal Act), in sub-section (2), for the word, figure and letter "section 5A", the words, figures and letters "sections 5A and 5B" shall be substituted.

3. *Insertion of new section 5B.* — After section 5A of the principal Act, the following section shall be inserted, namely: —

"5B. — *Payment of maternity benefit in certain cases.* Every woman —

(a) who is employed in a factory or other establishment to which the provisions of the Employees' State Insurance Act, 1948, apply; 34 of 1948.

(b) whose wages (excluding remuneration for overtime work) for a month exceed the amount specified in sub-clause (b) of clause (9) of section 2 of that Act; and

(c) who fulfils the conditions specified in sub-section (2) of section 5, shall be entitled to the payment of maternity benefit under this Act."

K. K. SUNDARAM
Secy. to the Govt. of India.

Notification

LD/3577/76

The following Notification received from the Government of India Ministry of Agriculture and Irrigation New Delhi, is hereby republished for general information of the public.

B. S. Subbanna, Draftsman.

Panaji, 31st July, 1976.

GOVERNMENT OF INDIA

MINISTRY OF AGRICULTURE AND IRRIGATION
(Department of Agriculture)

Dated the 20th May, 1976.

Notification

10-10/75-STU

GSR 348(E) In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955

(10 of 1955), the Central Government hereby makes the following order further to amend the Fertiliser (Movement Control) Order, 1973, namely:—

1. (1) This Order may be called the Fertiliser (Movement Control) Third Amendment Order, 1976.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Schedule to the Fertiliser (Movement Control) Order, 1973 after Serial No. 45 and the entry relating thereto, the following serial number and entry shall be inserted, namely:—

S. No.	Name of the Manufacturer
(1)	(2)
"46	Indian Farmers Fertiliser Cooperative Limited, New Delhi"

Sd/-

ANNA R. MALHOTRA

Joint Secretary to the Govt. of India.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

Notification

LD/Bill/6/76

The following Bill passed by the Legislative Assembly of Goa, Daman and Diu which received the assent of the President of India on 30th July, 1976 is hereby published for general information.

B. S. Subbanna, Draftsman.

Panaji, 9th August, 1976.

The Goa, Daman and Diu Public Gambling Act, 1976

(Act No. 14 of 1976) [30th July, 1976]

AN

ACT

to provide for the punishment of public gambling and the keeping of common gaming houses in the Union territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa, Daman and Diu Public Gambling Act, 1976.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(1) "common gaming-house" means —

(i) in the case of gaming —

(a) on the market price of cotton, opium or other commodity or on the digits of the number used in stating such price, or

(b) on the amount of variation in the market price of any such commodity or on the digits of the number used in stating the amount of such variation, or

(c) on the market price of any stock or share or on the digits of the number used in stating such price, or

(d) on the occurrence or non-occurrence of rain or other natural event, or

(e) on the quantity of rainfall or on the digits of the number used in stating such quantity, or

(f) on the wagering or betting on the digits of a numerical figure arrived at by manipulation in any manner whatsoever, or on the order of the digits, or on the digits themselves or on pictorial representations,

any house, room or any place whatsoever in which such gaming takes place or in which instruments of gaming are kept or used for such gaming;

(ii) in the case of any other form of gaming, any house, room or place whatsoever in which any instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using, keeping such house, room or place whether by way of charge for the use of such house, room or place or instrument or otherwise;

(2) "gaming" includes —

(a) wagering or betting and includes wagering or betting on the digits of a numerical figure arrived at by manipulation in any manner whatsoever, or on the order of the digits, or on the digits themselves or on pictorial representations,

(b) any transaction by which a person in any capacity whatever employs another person in any capacity whatever or engages for another in any capacity whatever, to wager or bet with any other person,

(c) the collection or soliciting of bets, receipts or distribution of winnings or prizes in money or otherwise in respect of wagering or betting or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution,

but does not include a lottery;

(3) "Government" means the Government of Goa, Daman and Diu;

(4) "instrument of gaming", includes any article used or intended to be used as a subject, an accessory or means of gaming, any document used or intended to be used as a register or record or evidence of any gaming, the proceeds of any gaming, and any winnings or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming;

(5) "place" includes a tent, enclosure, space, vehicle and vessel.

3. Punishment for keeping common gaming-house.
—Whoever—

(a) opens, keeps or uses any house, room or place for the purpose of a common gaming-house,

(b) being the owner or occupier of any such house, room or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid,

(c) has the care or management of, or in any manner assists in conducting the business of, any such house, room or place opened, occupied, kept or used for the purpose aforesaid,

(d) advances or furnishes money for the purpose of gaming with persons frequenting any such house, room or place,

shall be punishable with imprisonment for a term which may extend to two years and also with fine which may extend to two thousand five hundred rupees:

Provided that—

(i) for the first offence, such imprisonment shall not be less than one month and the fine shall not be less than two hundred rupees,

(ii) for the second offence, such imprisonment shall not be less than three months and the fine shall not be less than three hundred rupees, and

(iii) for the third or subsequent offence, such imprisonment shall not be less than six months and the fine shall not be less than five hundred rupees.

4. Punishment for gaming in common gaming-houses.—(1) Whosoever is found in any common gaming-house gaming or present for the purpose of gaming shall be punishable with imprisonment for a term which may extend to one year and also with fine which may extend to one thousand rupees:

Provided that—

(a) for the first offence, such imprisonment shall not be less than one month and the fine shall not be less than two hundred rupees,

(b) for the second offence, such imprisonment shall not be less than three months and the fine shall not be less than three hundred rupees, and

(c) for the third or subsequent offence, such imprisonment shall not be less than six months and the fine shall not be less than five hundred rupees.

(2) Any person found in any common gaming-house during any gaming therein shall be presumed, until the contrary is proved, to have been there for the purpose of gaming.

5. Power to enter and authorise police to enter and search.—(1) (a) If a District Magistrate, or a Sub-divisional Magistrate, or a Judicial Magistrate of the First Class, or

(b) the Inspector General or a Superintendent of Police or a Deputy Superintendent of Police or an Assistant Superintendent of Police specially empowered by the Government in this behalf,

upon credible information, and after such enquiry as he may think necessary, has reason to believe that

any house, room or place is used as a common gaming-house, he may—

(i) either himself enter, or by his warrant, authorise any police officer not below the rank of an assistant sub-inspector to enter, by force, if necessary, with such assistance as may be found necessary, by night or by day, any such house, room or place,

(ii) either himself take into custody, or authorise such officer to take into custody, all persons whom he or such officer finds therein whether or not then actually gaming,

(iii) seize or authorise such officer to seize all instruments of gaming, and all money and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein,

(iv) search or authorise such officer to search all parts of the house, room or place which he or such officer shall have so entered when he or such officer has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he or such officer so takes into custody, and

(v) seize or authorise such officer to seize and take possession of all instruments of gaming found upon such search.

(2) Notwithstanding anything contained in any other law for the time being in force, no search made under this section shall be deemed to be illegal by reason only of the fact that the witnesses (if any) of the search were not inhabitants of the locality in which the house, room or place searched is situated.

6. Punishment for giving false names and addresses.—If any person found in any common gaming-house, entered by any Magistrate or officer of police under the provisions of this Act, upon being arrested by any such officer or upon being brought before any Magistrate, and on being required by such officer or Magistrate to give his name and address refuses or neglects to give the same or gives any false name or address, he shall, on conviction, be punishable with imprisonment for a term which may extend to four months or with fine, not exceeding one thousand rupees.

7. Presumptive proof of keeping or gaming in common gaming-house.—When any instrument of gaming has been seized in any house, room or place entered under section 5 or about the person of anyone found therein, and in the case of any other thing so seized, if the court is satisfied that the Magistrate or police officer who entered such house, room or place had reasonable grounds for suspecting that the thing so seized was an instrument of gaming, the seizure of such instrument or thing shall be evidence, until the contrary is proved, that such house, room or place is used as a common gaming-house and the persons found therein were there present for the purpose of gaming, although no gaming was actually seen by Magistrate or the police officer or by any person acting under the authority of either of them:

Provided that the aforesaid presumption shall be made notwithstanding any defect in the warrant or order in pursuance of which the house, room or place was entered under section 5, if the court considers the defect not to be a material one.

8. *On conviction for keeping or gaming in common gaming-house, instruments of gaming may be destroyed or forfeited.* — On conviction of any person for opening, keeping or using a common gaming-house, or gaming therein, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein or on the persons of those who were found therein to be forthwith destroyed or forfeited, and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and the proceeds thereof, with all moneys seized therein, to be forfeited, or, in his discretion, may order any part of such proceeds and other moneys to be paid to any person appearing to be entitled thereto.

9. *Proof of playing for money not required for conviction.* — It shall not be necessary, in order to convict a person of any offence under any of the provisions of section 3 or section 4 to prove that any person found gaming was playing for any money, wager or stake.

10. *Indemnification of certain witnesses.* — Any person who has been concerned in gaming contrary to this Act, and who is examined as a witness before a Magistrate in the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination, makes, in the opinion of the Magistrate, a true and faithful discovery to the best of his knowledge of all things as to which he is so examined, shall thereupon receive from the said Magistrate, a certificate in writing to that effect and shall become free from all liabilities to undergo any punishment for contravention of any provision of this Act, for anything done before that time in respect of such gaming.

11. *Power to arrest without warrant for gaming and setting birds and animals to fight in public streets.* — (1) A police officer may arrest and search without warrant —

(a) any person found playing for money or other valuable thing with cards, dice, counters or other instruments of gaming used in playing any game not being a game of mere skill on any public street or thoroughfare or in any place to which the public have or are permitted to have access;

(b) any person setting any birds or animals to fight in any public street or thoroughfare, or in any place to which the public have or are permitted to have access;

(c) any person present there aiding or abetting such public fighting of birds and animals.

(2) Any person arrested under sub-section (1) shall be punishable with imprisonment which may extend to three months and also with fine which may extend to five hundred rupees and where such gaming consists of wagering or betting or of any such transaction as is referred to in sub-clause (b) of clause (2) of section 2, such person shall be punishable to the extent specified in section 4 and all moneys found with such persons shall be forfeited.

(3) Any such police officer may seize all birds and animals and things reasonably suspected to be instruments of gaming found in such public street, thoroughfare, place or on or about the person of those whom he shall so arrest and the Magistrate may, on

conviction of the offender, order such instruments to be forthwith destroyed and such birds and animals to be sold and the proceeds forfeited.

(4) When anything has been found on or about any person and the Magistrate is satisfied that the police officer has reasonable grounds for suspecting that such a thing was an instrument of gaming, such circumstances shall, until the contrary is proved, be evidence that such thing was an instrument of gaming and that the person on or about whom the thing was found was present for the purpose of gaming.

12. *Arrest without warrant for printing, publishing or distributing any news or information.* — (1) A police officer not below the rank of a sub-inspector of police may arrest without warrant —

(a) any person who prints, publishes, sells, distributes or in any other manner circulates any newspaper, news sheet or other document or any news or information which aids, encourages or facilitates gaming;

(b) any person who —

(i) prints, publishes or circulates in any manner, any digits or figures or combination of any digits or figures, relating to gaming, or

(ii) by adopting any other form of device, disseminates or attempts to disseminate or abets the dissemination of, information regarding such digits or figures or combination of digits or figures.

(2) Any such person shall, on conviction, be punishable to the extent specified in section 3.

13. *Saving of games of mere skill.* — Nothing in this Act shall be held to apply to any game of mere skill wherever played.

14. *Offences by whom triable.* — Offences punishable under this Act shall be triable by a Judicial Magistrate of the first class having jurisdiction in the place where the offence is committed.

15. *Offences to be cognizable.* — Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), every offence under this Act shall be cognizable.

16. *Protection of action taken in good faith.* — No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done under this Act.

17. *Recovery of fines.* — All fines imposed under this Act may be recovered in the manner specified by section 421 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

18. *Repeal and Savings.* — The Public Gambling Act, 1867 (Central Act 3 of 1867) as in force in the Union territory of Goa, Daman and Diu, is hereby repealed:

Provided that such repeal shall not affect —

(a) the previous operation of the Act so repealed, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the provisions of the Act so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including authorisations made, powers conferred, orders given and indemnity granted) by or under the Act so repealed shall, in so far it is not inconsistent with any provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

Secretariat

Panaji-Goa

9th August, 1976.

K. C. D. GANGWANI

Secretary to the Government of Goa,
Daman and Diu

Law and Judiciary Department